

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUDGE RANDOLPH BAXTER

PRETRIAL ORDER

1. To insure readiness of this case for trial, to initiate disposition by settlement, dismissal, or other means, and to facilitate the completion of discovery, the attorneys are directed to meet at a mutually convenient time and place before pretrial. To arrange the meeting, plaintiff's counsel is directed to call defendant's counsel.

2. Discovery is scheduled to begin immediately and to be completed no later than _____.

3. Final pretrial is set for _____.¹ At such final pretrial conference the Court will consider:

A. The simplification of issues;

1

The Court will not entertain any Bankr.R.7037 motions unless there is compliance with Local Bankr.R.4:0.9 which requires counsel to attempt to resolve discovery differences.

- B. The necessity or desirability of amendments to the pleadings;
- C. The separation of issues;
- D. The prospects of settlement;
- E. Such other matters as may aid in the disposition of the action.

Settlement authority should be obtained from your client prior to the pretrial conference. At least one of the attorneys for each party participating in any conference before trial shall have the authority to enter into stipulations and make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

Counsel are expected to appear personally at all pretrials unless otherwise ordered by the Court. All parties are to be present or immediately available by telephone.

4. Dispositive Motions, and limiting motions, if any, are to be filed no later than _____. If a party opposes a motion, such opposition must comply with Local Bankr.R.4:0.8(a)(5). The parties are ordered to continue conducting discovery regardless of any motions which may be filed in this case.

5. TRIAL BRIEFS ARE REQUIRED. AN ORIGINAL AND TWO COPIES OF THE TRIAL BRIEF ARE TO BE FILED NO LATER THAN THE FINAL PRETRIAL DATE. An additional copy of the Trial Brief must be provided to all opposing counsel on or before the final pretrial date.

6. **PRETRIAL STATEMENT. EACH PARTY IS TO FILE WITH THE COURT AND SERVE UPON OPPOSING COUNSEL A PRETRIAL STATEMENT NO LATER THAN 3 DAYS BEFORE THE FINAL PRETRIAL.** An original plus two copies are to be filed with the Court, and should include, inter alia, the following:

- A. Jurisdiction of the Court;
- B. Identity of Counsel for each litigating party;
- C. Contested Issue(s) of Fact;
- D. Contested Issue(s) of Law;
- E. A concise statement of the nature of the action;
- F. A list of any pending motions before the Court;
- G. Stipulations (if any);
- H. A list of Exhibits.
- I. Witness List. A list of witnesses (both lay and expert). Only those individuals so listed will be permitted to testify at trial. A copy of each expert witnesses' curriculum vitae is to be attached to the Witness List.

J. Trial Period. The trial period of the matter is scheduled to commence on _____, and will consume no more than _____ days.

7. **Exhibits**

Exhibits are to be in the following form:

a. **EXHIBITS ARE TO BE SECURELY BOUND AND SUBMITTED WITH ONE ORIGINAL SET AND TWO COPIES TO THE COURT AND ONE COPY TO OPPOSING COUNSEL NO LATER THAN THE FINAL PRETRIAL HEARING DATE.**

b. Accompanying each set of bound exhibits shall be an exhibit index showing the exhibit number and a brief description of each exhibit.

c. Plaintiff(s) are to use numbers for marking each exhibit, with yellow exhibit labels affixed to the lower right corner of the first page of each exhibit.

d. Defendant(s) are to use alphabetical letters for marking each exhibit, with blue exhibit labels affixed to the lower right corner of the first page of each exhibit.

e. Exhibits that contain more than one page must designate each page of the exhibit as "A-1", etc., or "1-1", "1-2", etc..

f. Joint exhibits are to be labelled as indicated above, using the designation of "J.X."1, etc., for marking.

ONLY EXHIBITS SO LISTED SHALL BE OFFERED AS EVIDENCE AT THE TRIAL, EXCEPT FOR GOOD CAUSE SHOWN.

8. Pursuant to Bankr.R.7016(f), if a party or party's attorney fails to obey a scheduling or pre-trial order, or if no appearance is made on behalf of a party at a scheduling or pretrial conference, or if a party or party's attorney fails to participate in good faith, the Court, sua sponte, may impose sanctions on either the party or the party's attorney, as provided in Bankr.R.7037(b)(2)(B), (C), (D).

9. **FAILURE OF COUNSEL TO COMPLY WITH THIS ORDER MAY RESULT IN SUMMARY DISPOSITION OF THE CASE.** See, **National Hockey League, et al. v. Metropolitan Hockey Club**, 427 U.S. 639, 641-43 (1976); **Link v. Wabash Railway**, 370 U.S. 633-34 (1962).

IT IS SO ORDERED, this _____ day of _____, 19____.

RANDOLPH BAXTER
UNITED STATES BANKRUPTCY JUDGE